



EQUAL TREATMENT UNDER THE LAW-A FUNDAMENTAL RIGHT

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ABSTRACT

The goal of this study is to determine what the general principle of "right to equality" entails. The term "Right to Equality" requires no explanation because its meaning is self-evident, and it is one of our basic rights. However, there are some secret elements that need to be explained, and this research effort focuses on such points and exceptions that are permitted by our Indian constitution. It's also useful to understand why discrimination is tolerated under Indian law. Article 14 of Indian law guarantees the right to equality. It is one of the basic rights. It ensures that everyone has the right to equality before the law and equal protection under the law. It is not only an Indian citizen's right, but also a non-right citizen's. "The state shall of India," reads article 14. No one is above the law, according to article 14. In the eyes of the law, everyone is equal.

KEYWORDS: Equality, Law, Discrimination, Rights.

INTRODUCTION:

This means that everyone living on Indian soil has the same legal rights as everyone else. All of these have the same meaning in the same line. There is no discrimination based on religion, ethnicity, caste, sex, or birthplace. It implies that everyone will be treated as an equal among equals. There will be no discrimination based on socioeconomic status.

ARTICLE-14 OF CONSTITUTION OF INDIA:

Within India's territory, the state must not deny anyone equality before the law or equal protection under the law. Discrimination on the basis of religion, race, caste, sex, or place of birth is prohibited. Prof. Dicey explained how legal equality worked in England, saying, "With us, any official, from the prime minister down to a constable or a tax collector, is under the same responsibility as any other citizen for every act done without any legal justification."

All written constitutions that protect fundamental rights include the phrase "equality before the law." "All citizens are equal before the law, regardless of birth, religion, sex, or ethnicity; that is, there shall be no arbitrary discrimination between one citizen or class of citizens and another." "All citizens shall be treated equally before the law as human beings." "Equality before the law is guaranteed to all citizens of the republic."

Pantanjali Sastri, c.j., has stated that the second term is a corollary of the first, and that it is difficult to imagine a situation in which a breach of the law is not a violation of equality before the law; hence, the two expressions mean the same thing in substance.

"Equality before the law" means that the law should be applied equally to all people, according to Dr. Jennings. And it should be applied equally to all, as like should be treated similarly. All citizens of full age and comprehension should have the same right to sue and be sued, to prosecute and be prosecuted for the same kind of action, regardless of race, religion, income, social rank, or political influence."

EQUAL PROTECTION OF LAW:

Article 14 of our Indian constitution, which is based on section 1 of the United States Constitution's 14th Amendment Act, guarantees "equal protection of the law."

The term "equal protection of the law" refers to the fact that everyone in India is entitled to the same level of legal protection. The court held in Stephen's College v. University of Delhi that the phrase "equal protection of the laws" is now being read as a positive obligation on the state to ensure equal protection of the laws by bringing in necessary social and economic changes so that everyone can enjoy equal protection of the laws and no one is denied it. If the state leaves existing inequities unaffected by its laws, it fails to fulfil its obligation to provide equal protection under the law to all people. The state will guarantee equal protection to all Indians, whether citizens and non-citizens.

EXCEPTIONS TO RULE OF LAW:

The right to equality is also acknowledged as one of the core characteristics of the Indian constitution in the case of Indra Sawhney. Article 14 is applicable to everyone, not just citizens. The benefit of this article also extends to a corporation, which is a legal entity. This notion implies equality for equals and attempts

to end hostile discrimination and inequity oppression. AIR 1978 SC 327 in the case of Ramesh Prasad v. State of Bihar It should be highlighted that the goal of both 'Equality before the law' and 'Equal protection under the law' is equal justice.

MEANING OF RULE OF LAW:

Prof. Dicey coined the term "rule of law" to describe the guarantee of equality before the law. It signifies that no one is above the law, and that everyone is equal in the eyes of the law. Magna Carta is the source of the concept of rule of law. It signifies that the law is the same for everyone in the same line. Because the state has no religion, everyone is on the same page. And uniformity will be enforced across the board. The rule of law governs and controls every organ of the Indian state, according to the Indian constitution. The absence of arbitrary power has long been considered the primary requirement of the rule of law. The rule of law necessitates that executive authorities' discretion be restrained within well defined parameters. The rule of law is woven throughout India's constitution and is one of its most fundamental elements.

ARTICLE 361 OF INDIAN CONSTITUTION LAW:

The President, the governor, or the rajpramukh of a state shall not be held liable in any court for the exercise and performance of his office's powers and duties, or for any act done or purported to be done by him while exercising and performing such powers and responsibilities. Provided, however, that the president's actions may be investigated.

The President, the Governor, or the Rajpramukh of a State shall not be held liable in any court for the exercise and execution of their powers and responsibilities, or for any act done or purported to be done by them:

Provided, however, that any court, tribunal, or body created or designated by either House of Parliament for the examination of a charge under article 61 may evaluate the President's conduct: Furthermore, nothing in this section shall be regarded as limiting anyone's right to undertake suitable legal action against the Government of India or a State government.

During the President's tenure of office, no criminal actions against him or the Governor of a State shall be commenced or continued in any court.

During the President's term of office, no process for the arrest or incarceration of the President or the Governor of a State shall be issued by any court.

No civil proceedings in which relief is sought against the President or the Governor of a State shall be brought in any court during his term of office in respect of any act done or purported to be done by him in his personal capacity, whether before or after he assumed office as President or as Governor of such State, until two months after notice in writing has been delivered to the President or the Governor, as the case may be.

Reddy, J., remarked in Srinivas Theatre v. State of T.N. that equality before the law is a dynamic notion with multiple elements. One of them is that no favoured person of class or name shall be above the law of the state. The Indian constitution's preamble and part ivth (directive principles of state policy) impose on the state the responsibility of bringing about a more equal society through the machinery of law.

Permination & Prohibition of Article 14:

Article 14 allows classification but forbids legislation based on it. Article 14's promise of equal protection of the law does not imply that all laws must be universal in nature. It does not imply that all people should be subject to the same laws. It does not imply that every law must apply universally because no two people are in the same situation due to their nature, attainment, or circumstances. Different classes of people have different needs, which often necessitates separate treatment. Different areas should exist because of the nature of society, and the legislature oversees policy and enacts laws in the best interests of the state's safety and security. In fact, applying the same amount of money to uneven circumstances would result in inequity. As a result, a reasonable classification for the developing society is permissible. Although the provision prohibits class legislation, it does not prohibit fair classification. The classification, on the other hand, cannot be "arbitrary, contrived, or evasive," but must be founded on some actual and significant distinction that bears a just and reasonable relationship to the goal of the legislation. When equals are treated differently for no reason, Article 14 is implied. Article 14 does not apply, however, where equals and unequals are handled differently. Class legislation is defined as legislation that makes an improper discrimination by bestowing particular privileges on a group of people arbitrarily chosen from a large number of people, all of whom are in the same relationship to the privilege granted, and between whom and the people who are not so favoured, no reasonable distinction or substantial difference can be found justifying the inclusion of one and the exclusion of the other.

NEW CONCEPT OF EQUALITY FOR THE PROTECTION OF PEOPLE OF INDIA:

In the case of Air India v. Nargesh Meerza, the court ruled in favour of the plaintiff. Regulation 46 of the Indian Airlines regulations states that an air hostess must retire from the service when she reaches the age of 35, or when she marries within four years of service, or when she has her first child, whichever comes first. However, under regulation 47 of the regulation act, the managing director has the discretion to extend the age of retirement one year at a time beyond the age of retirement up to the age of 45 years if an air hostess is found medically fit. The court ruled that dismissing an air hostess due to pregnancy was unfair and arbitrary, and that it was a breach of India's constitution's article 14. The regulation did not prohibit marriage after four years, and if an air hostess became pregnant after meeting the requirements, there was no reason why her first pregnancy should prevent her from continuing to work. According to the court, terminating service based on pregnancy was obviously unreasonable and arbitrary, and thus a breach of Article 14 of the Indian constitution.

In John Vallamattom v. Union of India, the court rejected section 118 of the Indian Succession Act, 1925, which limited a Christian's ability to form a valid will for religious or philanthropic purposes to at least 12 months before his death. The time limit was imposed by the court, and the requirement was only applied to Christian artificial that had no connection to the law's goal. In P. Rajendran v. State of Madras, the court held that seats in state medical institutions were distributed district by district based on the proportion of a district's population to the state's overall population. In order for a classification to be valid under Article 14, there must be a link between the classification and the goal sought. Any admissions strategy should be created in order to choose the greatest available talent for admission to the state's medical institution. In practise, it is discriminatory because a highly qualified candidate from one district might be rejected while a less qualified candidate from another might be accepted.

In the case of D.S Nakara v. Union of India, the Supreme Court declared Rule 34 of the Central Services(Pension) Rules, 1972 unconstitutional on the grounds that the classification made by it between pensioners retiring before a certain date and those retiring after that date was arbitrary and in violation of Article 14 of the Indian Constitution.

CONCLUSION:

In light of the above-mentioned statements by several courts, it is obvious that Article 14 guarantees equality of rights without discrimination. It states that in the eyes of the law, everyone is equal. Regardless of his colour, religion, social rank, or financial standing. "Equality before the law" means that the law should be equal and equally applied among equals, and that like should be treated equally, as Dr. Jennings correctly stated. All individuals of full age and comprehension should have the same right to sue and be sued, to prosecute and be prosecuted for the same kind of behaviour, regardless of colour, religion, income, social status, or political influence." The right to equality is one of the most fundamental aspects of our Indian constitution, since it provides protection to all persons of Indian nationality. It is imperative for the next generation to secure their rights and transform our developing India into a developed country.

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